HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 1299 OF 2007

DATED: 25.1.2007

Between:

M/s Deccan Mineral Grinding Mills

... Petitioner

and

The Government of India, represented by its Secretary, Ministry of Steel and Mines, Shastri Bhavan, New Delhi and others

...

Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.1299 of 2007

ORAL ORDER:

The grievance in the writ petition is that the 1st respondent has not passed any orders on the application for interim relief sought by the petitioner in a revision preferred to the 1st respondent against the order of the 2nd respondent in G.O.Ms.No.352, Industries and Commerce (M.I) Department dated 30.12.2006.

Mining leases in respect of the major minerals i.e. Quartz and Feldspar was issued on 13.12.1976 and thereafter renewed on 30.7.1998 for a period of 20 years i.e. till 2018. The mining lease was duly transferred in favour of the petitioner on 14.12.2000. On 1.11.2006, a show cause notice was issued to the petitioner, proposing cancellation of the mining lease for the reasons specified therein. The petitioner submitted its response on 20.11.2006. Thereupon by G.O.Ms.No.352 dated 30.12.2006, final orders were passed by the 2nd respondent canceling the mining lease. Aggrieved

thereby, the petitioner preferred a revision to the 1st respondent under Section 30 of the Mines and Minerals (Development and Regulation) Act, 1957 r/w Rule 54 of the Mineral Concession Rules, 1960. Along with the revision, the petitioner submitted an application on 9.1.2007, seeking interim relief (of interdiction of the 2nd respondent's orders in G.O.Ms.No.352). The 1st respondent has not disposed of even the application for interim relief, is the singular complaint.

In the circumstances, after hearing Smt. N. Shoba, the learned counsel for the petitioner, Sri A. Rajashekar Reddy, the learned Assistant Solicitor General for the 1st respondent and the learned Government Pleader for Industries and Commerce for the 2nd respondent, the writ petition is disposed of directing the 1st respondent to expeditiously and in any event within a period of 30 days from the date of receipt of a copy of this order, consider and dispose of the petitioner's application for interim relief filed along with the revision dated 9.1.2007. The 1st respondent shall pass a reasoned decision on the interlocutory application and communicate it to the petitioner within the aforesaid time.

The petitioner also apprehends that the mineral

already extracted by it would be misappropriated or wasted, on account of the petitioner's disentitlement to safeguard or carry away the mined mineral, pursuant to the order of the 2nd respondent in G.O.Ms.No.352. In the circumstances, the 2nd respondent is directed to assume custody of the mined mineral and safeguard it for the purpose of its disposition, in accordance with the orders of the 1st respondent in the revision or in the interlocutory application preferred by the petitioner, as the case may be.

The writ petition is accordingly disposed of as above. No costs.

GODA RAGHURAM, J

Date: 25.1.2007

NOTE: CC as soon as possible.
Bo cvm